IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Writ Petition No. 958 of 2005 (S/S)

Smt. Rajeshwari Jukariya
W/o Shri Ashok Kumar Jukariya
R/o Meena Bazar, Lohaghat
District Champawat .....Petitioner

Versus

1. State of Uttaranchal through
   Secretary Basic Education,
   Government of Uttaranchal, Dehradun
2. Deputy Secretary / Upper Sachive
   Shiksha (Madhyamik/Uchch)
   Uttaranchal Shasan
   Dehradun
3. Director of (Basic) Education
   Government of Uttaranchal
   Dehradun
4. District (Basic) Education Officer/
   Zila Shiksha Adhikari
   District Champawat
5. Upper Zila Shiksha Adhikari/
   Deputy District Education Officer,
   District Champawat .....Respondents

Sri K.S. Bora, learned counsel for the petitioner
Sri H. Belwal, learned standing counsel for the State

Hon'ble B.C. Kandpal, J.

By means of this writ petition a relief has been sought in the nature of mandamus directing the respondents to decide the representation of the petitioner in accordance with the direction mentioned in the Government policy pertaining to the annual transfer.

Brief facts giving rise to this petition are that the petitioner was appointed as Assistant Teacher in Primary School on 12.10.1993 and ever since she has been serving in the schools of remote interior areas of the District Champawat. Now, the petitioner is presently serving in Primary School Patan Patni, Lohaghat (*Durgam Sthal*).

On 21.05.2005, the respondent No. 5 i.e. Upper Zila Shiksha Adhikari, District Champawat issued a list promotional transfers and

thereby transferred the petitioner to a remotest interior area in Junior High School, Chhanda, Barakot, District Champawat.

Feeling aggrieved by the aforesaid transfer order, the petitioner has preferred this writ petition before this Court.

Heard learned counsel for the petitioner as well as learned standing counsel for the State and perused the record.

Learned counsel for the petitioner has invited my attention towards the Government Order No. 330/XXIV-2/2004 dated 24.05.2004 clause 15 which says that in the cases where husband and wife both are teachers they would be posted at one place so far as it is possible.

Government Order dated 24.05.2004 clause 15 reads as under:-

> *"15. जहॉ पति–पत्नि दोनों ही अध्यापक हो, वहॉ दोनों को यथासम्भव एक ही क्षेत्र में रखा जाएगा। यदि दोनों के मामले में अति दुर्गम क्षेत्र/दर्गम क्षेत्र में सेवा अवधि (ठहराव) की पूर्णता हो, तो सगान क्षेत्र/ उच्च क्षेत्र से स्थानान्तिरित कर एक क्षेत्र में रखा जाएगा अन्यथा उच्च क्षेत्र से निम्न क्षेत्र (दुर्गम, अति दुर्गम) को स्थानान्तिरित कर एक क्षेत्र में जाएगा।"*

The record shows that the petitioner has already made a representation before the respondent No. 2 i.e. upper Sachive, Uttaranchal Shasan, Dehradun on 06.06.2005 which has been filed as annexure 4 to the petition and that representation is yet to be decided.

Accordingly, the respondent No. 2 is directed to decide the representation of the petitioner dated 06.06.2005 provided the petitioner shall file the certified copy of the judgment passed by this Court within a period of 15 days and the respondent No. 2 shall thereafter decide the representation of the petitioner in the light of the Government Order which has been quoted in the body of the judgment within a period of 15 days by passing the speaking and reasoned order.

With the aforesaid observations, the writ petition is finally disposed of.

(B.C. Kandpal, J.)

15.07.2005
ASWAL